

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 93 entitled “An act relating to establishing a homeless
4 bill of rights and prohibiting discrimination against people without homes”
5 respectfully reports that it has considered the same and recommends that the
6 bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 Sec. 1. FINDINGS

9 The Vermont General Assembly finds that:

10 (1) At the present time, many individuals have been rendered homeless
11 as a result of economic hardship and a shortage of safe and affordable housing.

12 (2) Article 1 of Chapter I of the Vermont Constitution states that
13 Vermonters are “equally free and independent,” and Article 7 of Chapter I
14 states that all Vermonters are entitled to the same benefits and protections. As
15 a result, an individual should not be subject to discrimination based on the
16 individual’s housing status or being homeless.

17 (3) It is the intent of this act to help mitigate both the discrimination
18 individuals without homes or perceived to be without homes face and the
19 adverse effects individuals and communities suffer when an individual lacks a
20 home.

1 Sec. 2. 1 V.S.A. § 274 is added to read:

2 § 274. HOMELESS BILL OF RIGHTS

3 (a) In addition to any other rights and protections provided under State and
4 federal law, an individual shall have the right:

5 (1) to use and move freely in public places, including public sidewalks,
6 parks, transportation, and buildings, in the same manner as any other
7 individual and without discrimination on the basis of the individual’s housing
8 status;

9 (2) to equal treatment by all State and municipal agencies without
10 discrimination on the basis of the individual’s housing status;

11 (3) to emergency medical care free from discrimination based on the
12 individual’s housing status;

13 (4) to vote, register to vote, and receive documentation necessary to
14 prove identity for voting, without discrimination due to the individual’s
15 housing status; and

16 (5) to a reasonable expectation of privacy in the individual’s personal
17 property without discrimination based on the individual’s housing status.

18 (b) Notwithstanding any provision of law or of a municipal charter to the
19 contrary, no individual shall be subject to civil or criminal sanctions for
20 soliciting, sharing, accepting, or offering food, drink, money, or other
21 donations in a public place.

1 (c) No law, rule, or ordinance shall adversely impact or penalize an
2 individual based on:

3 (1) the individual’s housing status;

4 (2) the provision of supports or services to the individual based on the
5 individual’s housing status; or

6 (3) the individual engaging in harmless activities that are associated
7 with homelessness.

8 (d)(1) An individual aggrieved by a violation of this section may bring an
9 action in Superior Court for appropriate relief, including injunctive relief and
10 actual damages sustained as a result of the violation, costs, and reasonable
11 attorney’s fees.

12 (2) The relief provided pursuant to this section shall be in addition to the
13 relief provided under any other provision of law.

14 (e) As used in this section:

15 (1) “Housing status” means the actual or perceived status of being
16 homeless, being a homeless individual, or being a homeless person, as defined
17 in 42 U.S.C. § 11302.

18 (2) “Place of public accommodation” has the same meaning as in
19 9 V.S.A. § 4501(1).

1 Sec. 3. 9 V.S.A. § 4501 is amended to read:

2 § 4501. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (12) “Housing status” means the actual or perceived status of being
6 homeless, being a homeless individual, or being a homeless person, as defined
7 in 42 U.S.C. § 11302.

8 Sec. 4. 9 V.S.A. § 4502 is amended to read:

9 § 4502. PUBLIC ACCOMMODATIONS

10 (a) An owner or operator of a place of public accommodation or an agent
11 or employee of such owner or operator shall not, because of the race, creed,
12 color, national origin, housing status, marital status, sex, sexual orientation, or
13 gender identity of any person, refuse, withhold from, or deny to that person
14 any of the accommodations, advantages, facilities, and privileges of the place
15 of public accommodation.

16 * * *

17 Sec. 5. 9 V.S.A. § 4503 is amended to read:

18 § 4503. UNFAIR HOUSING PRACTICES

19 (a) It shall be unlawful for any person:

20 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
21 of, or otherwise make unavailable or deny, a dwelling or other real estate to

1 any person because of the race, sex, sexual orientation, gender identity, age,
2 marital status, religious creed, color, national origin, housing status, or
3 disability of a person, or because a person intends to occupy a dwelling with
4 one or more minor children, or because a person is a recipient of public
5 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

6 (2) To discriminate against, or to harass any person in the terms,
7 conditions, privileges, and protections of the sale or rental of a dwelling or
8 other real estate, or in the provision of services or facilities in connection
9 therewith, because of the race, sex, sexual orientation, gender identity, age,
10 marital status, religious creed, color, national origin, housing status, or
11 disability of a person, or because a person intends to occupy a dwelling with
12 one or more minor children, or because a person is a recipient of public
13 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

14 (3) To make, print, or publish, or cause to be made, printed, or published
15 any notice, statement, or advertisement, with respect to the sale or rental of a
16 dwelling or other real estate, that indicates any preference, limitation, or
17 discrimination based on race, sex, sexual orientation, gender identity, age,
18 marital status, religious creed, color, national origin, housing status, or
19 disability of a person, or because a person intends to occupy a dwelling with
20 one or more minor children, or because a person is a recipient of public
21 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

1 membership, or participation, on account of race, sex, sexual orientation,
2 gender identity, age, marital status, religious creed, color, national origin,
3 housing status, or disability of a person, or because a person is a recipient of
4 public assistance, or because a person is a victim of abuse, sexual assault, or
5 stalking.

6 * * *

7 (12) To discriminate in land use decisions or in the permitting of
8 housing because of race, sex, sexual orientation, gender identity, age, marital
9 status, religious creed, color, national origin, housing status, disability, the
10 presence of one or more minor children, income, or because of the receipt of
11 public assistance, or because a person is a victim of abuse, sexual assault, or
12 stalking, except as otherwise provided by law.

13 * * *

14 Sec. 6. 10 V.S.A. § 601 is amended to read:

15 § 601. DEFINITIONS

16 The following words and terms, unless the context clearly indicates a
17 different meaning, shall have the following meaning:

18 * * *

19 (11) “Persons and families of low and moderate income” means persons
20 and families irrespective of race, creed, national origin, sex, sexual orientation,
21 housing status, or gender identity deemed by the Agency to require such

1 assistance as is made available by this chapter on account of insufficient
2 personal or family income, taking into consideration, without limitation, such
3 factors as:

4 (A) the amount of the total income of such persons and families
5 available for housing needs;

6 * * *

7 (20) “Housing status” means the actual or perceived status of being
8 homeless, being a homeless individual, or being a homeless person, as defined
9 in 42 U.S.C. § 11302.

10 Sec. 7. 21 V.S.A. § 495 is amended to read:

11 § 495. UNLAWFUL EMPLOYMENT PRACTICE

12 (a) It shall be unlawful employment practice, except where a bona fide
13 occupational qualification requires persons of a particular race, color, religion,
14 national origin, housing status, sex, sexual orientation, gender identity,
15 ancestry, place of birth, age, crime victim status, or physical or mental
16 condition:

17 (1) For any employer, employment agency, or labor organization to
18 discriminate against any individual because of race, color, religion, ancestry,
19 national origin, sex, sexual orientation, gender identity, place of birth, housing
20 status, crime victim status, or age or against a qualified individual with a
21 disability;

1

2 (Committee vote: _____)

3

4

Representative _____

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FOR THE COMMITTEE